

REMARKS

Applicant hereby adds new claims 20-26. Accordingly, claims 1-26 are pending in the present application.

Claims 1-19 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,084,969 to Wright et al.

Applicants respectfully traverse the rejections and urge allowance of the present application.

For a proper anticipation rejection, MPEP 2131 provides a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In addition, the claim elements must be arranged as required by the claim for a proper anticipation rejection. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Referring to claim 1, limitations are defined which are not disclosed nor suggested by Wright. More specifically, the Office on page 3 of the Action identifies teachings of Wright at col. 14, lines 50-53 as allegedly disclosing the last paragraph of claim 1. Applicant disagrees.

Claim 1 recites a method for a sender to send an encrypted message to an authorized recipient. The teachings of col. 14, lines 50-53 refer to operations of the destination pager as set forth in col. 14, lines 30-33. Wright merely discloses that the destination pager receives the page and can perform *operations internal of the destination pager* to decrypt the page using a private key of the destination pager and the public key of the pager proxy server. The destination pager may also perform authentication operations of the sender. The destination pager recovers a session key from field 2 and uses the session key to decrypt the message and the message is authenticated by the destination pager. It is set forth in col. 14, lines 49-55 that a user may be alerted that the message has been received.

The teachings relied upon by the Office as allegedly disclosing the limitations of the last paragraph of claim 1 clearly refer to the operations of the destination pager and are void of any teachings or suggestion of operations of the sending pager. Accordingly, the identified teachings are void of the last paragraph defining a method step performed by the sender of the encrypted message. The

interpretation of the Wright teachings set forth by the Office require the *destination pager* to allow access *by the destination pager* responsive to the reception of a valid reply by the destination pager which is nonsensical and does not meet the secured communications aims of encryption and decryption of communications.

In addition, there are no teachings or suggestion of the limitations of the last paragraph of claim 1 in the remaining disclosure of Wright. Wright is directed towards a pager system wherein the sending pager forwards the communication to a pager proxy which decrypts the original message and thereafter encrypts it for communication to the destination pager. The destination pager performs *the internal operations* identified in col. 14 to decrypt the message and to authenticate the message and the sender. The internal operations of the destination pager are devoid of disclosing or suggesting any operations of the sender including the positively claimed *method of the sender allowing the authorized recipient to obtain the content decryption key if a valid reply has been received* as positively claimed. Applicant submits that the operations of the destination pager of col. 14 and the remaining teachings of Wright fail to teach or suggest the limitations of the last paragraph of claim 1.

The Office further identifies the teachings of col. 13, 35-39 as allegedly teaching the claimed fixing the authentication and content messages onto a tangible medium by the sender. The identified teachings of col. 13 refer to actions of the *destination pager* which fail to disclose or suggest any *fixing onto a tangible medium in a method for the sender to send the encrypted message* as claimed. In addition, functional block 59 refers to a *display* of the destination pager and the *displaying by the display fails to disclose or suggest the fixing onto the tangible medium* as claimed.

Accordingly, numerous limitations of claim 1 are not shown nor suggested by the prior art of record and claim 1 is allowable for at least this reason.

In the event that a rejection of claim 1 is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R §1.104(c)(2). In particular, 37 C.F.R §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states

that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific references teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if claim 1 is not found to be allowable.

In accordance with the above, Applicants respectfully request identification of teachings of the method of a sender of an encrypted message which allegedly disclose the limitations defined in claim 1.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 10, it is recited that an encrypted content and authentication message may be fixed on a tangible medium and the *recipient may use a decrypted authentication message to send a valid reply to the sender confirming that the recipient received said article* and the sender may then allow the recipient to obtain the content decryption key. These limitations of claim 10 are not disclosed nor suggested by the prior art and claim 10 is allowable for at least this reason.

The Office recites the teachings in cols. 12 and 14 as allegedly disclosing the above-identified limitations. Applicants disagree. The teachings of col. 12 are directed towards operations of the pager proxy 7. At col. 12, lines 52-59 it is stated that a MAC, new session key and header data are decrypted using the private key of the server before being sealed using the public key of the destination pager. The pager proxy reencrypts the message using the new session key and an algorithm and fields 1-3 are assembled into a packet for communication to a destination pager.

The above recited teachings are void of any disclosure or suggestion of the recipient sending a valid reply to the sender or that the sender may then allow the recipient to obtain the content decryption key as claimed.

Similarly, the teachings of col. 14 fail to cure the deficiencies of col. 12. The teachings in col. 14 merely state that after authentication by the destination pager, the user is alerted that a message has been received and the message and header information are displayed as is performed in typical conventional paging operations. The display of the message to the user fails to disclose or suggest any sending of a valid reply by the recipient to a sender for confirmation or that the sender may then allow the recipient to obtain the content decryption key as claimed. Positively-recited limitations of claim 10 are not disclosed nor suggested by the prior art and claim 10 is allowable.

If claim 10 is not allowed, Applicants respectfully request clarification of the teachings of the prior art which allegedly disclose the above limitations in a non-final Action. Applicants also request clarification of the teachings relied upon as allegedly disclosing the tangible medium. For example, the Office recites teachings regarding a sending pager 1, a receiving pager 2 and a NOC 3 as allegedly disclosing a tangible medium. Applicants request clarification in a non-final Action of the exact teachings including reference numbers of Wright relied upon as disclosing the tangible medium so Applicant may appropriately respond.

The claims which depend from independent claim 10 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, claim 14 recites in combination with claim 13 that the sender's key may be used by the recipient to authenticate that the sender was the source of the tangible medium and that the sender's key is a secret key known to the sender and the recipient and unknown to others. The Action identifies teachings in cols. 7 and 10 which allegedly disclose limitations of claim 14. However, the identified teachings of col. 7 refer to encryption of a session key and authentication of a sender but are void of teaching that the recipient may use the sender's key to authenticate the sender and that the sender's key is *unknown to others*. The teachings in col. 10 refer to a shared secret key that is used for both encryption and decryption *but is silent to any teaching or suggestion that a shared secret key is used for authentication of the sender as the source of the tangible medium*.

Accordingly, the teachings of Wright fail to disclose or suggest that *the secret key*

unknown to others is used by the recipient to authenticate that the sender was the source of the tangible medium as claimed. Limitations of claim 10 are not disclosed nor suggested by the art and claim 10 is allowable for at least this additional reason.

Referring to independent claim 19, the teachings of col. 12, lines 52-59 of Wright refer to electrical components of the destination pager and fail to disclose or suggest the claimed receiving of the tangible medium having the authentication and content messages fixed upon it. Claim 19 is allowable for at least this reason.

Next, Applicants note that contrary to the CFR the *Office has failed to identify any teachings of the art which allegedly disclose the claimed creating a valid reply using the decrypted message as positively claimed.* The destination pager or other devices of Wright fail to disclose or suggest any creating of a valid reply as claimed. Claim 19 is allowable for at least this reason.

At page 7 of the Action, the Office identifies teachings of col. 14, line 51 regarding alerting a user that a message has been received as allegedly disclosing the claimed sending the valid reply to the sender. Applicant submits that the user is not the sender and any alerting of the user fails to disclose or suggest the claimed sending the valid reply to the sender. Claim 19 is allowable for at least this additional reason.

The Office has failed to identify reference teachings which allegedly disclose or suggest at least the claimed creating and sending. Applicant respectfully requests issuance of a non-final action to cure the deficiencies of this Action if claim 19 is not allowed.

Applicants hereby add new claims 20-26 which are supported at least by Figs. 1-2 and the associated specification teachings of the originally-filed application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Keith E. Moore  
Amnon Silverstein

By:



James D. Shaurette

Reg. No. 39,833

Date: 10/14/04